



City of Seattle

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF  
PLANNING AND DEVELOPMENT**

**Application Number:** 2200537  
**Applicant:** Anders Raman, Architect  
**Address:** 3601 South Genesee Street

**SUMMARY OF PROPOSED ACTION**

Master use permit to establish use for the construction of a two story commercial structure approximately 8,566 square feet. Project includes parking for 8 vehicles located in an enclosed split level parking garage.

The following Master Use Permit components are required:

**Design Review – Seattle Municipal code (SMC) Section 23.41 with Development Standard Departures:**

1. Departure from driveway width standards of (SMC 23.54.030.D2) – To allow a decrease from the maximum width of 22' to 16'.

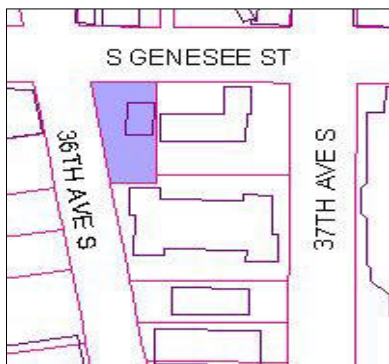
**SEPA Environmental Review – Seattle Municipal Code (SMC) Section 25.05**

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**PROJECT AND VICINITY DESCRIPTION**



The project site is located in the Genesee Neighborhood of Seattle one block east of the intersection of Rainer Avenue S. and South Genesee Street. The site is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). Current development in the area consists of a barbershop and a family service center to the north directly across S. Genesee St., a gas station to the east, a residential apartment building to the south along 36<sup>th</sup> Ave S., and Walgreen and Tully stores to the west. The zoning and land use pattern shifts to single family residential as you move away for the project site in all directions.

The site contains approximately 5,497 square feet of land and has roughly 60 feet of street frontage along S. Genesee St and 109 linear feet along 36<sup>th</sup> Avenue S. The project site is generally an angular lot that has been vacant for many years.

### Proposal

The applicant proposes to construct a two-story commercial building with retail space at ground level and office space above. Parking for the structure is proposed in a split level garage with at grade parking accessed from 36<sup>th</sup> Avenue South, and below grade parking spaces accessed from the adjacent property to the east via an existing driveway off 37<sup>th</sup> Avenue South.

### Public comment

The SEPA comment period for this proposal ended on October 16, 2002. One comment letter from an adjacent property owner was received. The neighbor expressed support for the proposal provided the uses in the new structure would not promote litter.

An Early Design Guidance (EDG) meeting was held on August 27, 2002. Two members of the public who are affiliated with the non-profit organization that manages the apartment building directly south of the project site were in attendance. They voiced concerns relating to the overall visual impact the proposed structure would have on the surrounding neighborhood. They stated that a new building, if not properly lit, would create a high crime area. In addition they requested that any new trees planted match the existing ones.

The Design Review Board reconvened on October 28, 2003 to review the applicant's response to the EDG. No members of the public attended this meeting.

## **ANALYSIS – DESIGN REVIEW**

### Design Guidance

After visiting the site, considering the site analysis provided by the applicants, and hearing public comment, the Design Review Board members provided the applicant siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's Design Review: Guidelines for Multifamily and Commercial Buildings" of highest priority for this project.

Two recommendation meetings were scheduled for this application. The first was held on September 23, 2003. The applicant was unprepared to make a presentation to the Board and the meeting was canceled. The Design Review Board reconvened for a second time on October 28, 2003. The architect presented the Board with a number of elevation renderings, landscape, floor plans and a request one design departure. The Boards comments on how the proposal responded to the early design guidance are presented bellow. In addition the Boards recommendations made during the October 28, 2003 meeting are provided bellow in *italics*.

### **A. *Site Planning***

#### **A-1 Responding to Site Characteristics**

***The siting of building should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography significant vegetation and views or other natural features***

The architectural details on the façade should reflect positive design elements of the adjacent apartment building and nearby Walgreens and Tully's stores and incorporate similar features into the proposed structure.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**A-3 Entrances Visible from the Street**

***Entries should be clearly identifiable and visible from the street.***

The design should provide retail entrances that are sheltering, inviting, and well illuminated to provide safety especially if the entry concept is as proposed.

*The Board did not offer any additional recommendation.*

**A-4 Human Activity**

***New development should be sited and designed to encourage human activity on the street.***

The proposed location of commercial entrances on both streets and location of the refuge and recycling storage off the street will aid the project in attaining this goal.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**A-5 Respect for Adjacent Sites**

***Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.***

Using landscaping and color along the southern property line should be considered as a ways to create a good relation with the residential structure which shares the southern property line.

*The Board did not offer any additional recommendation.*

**A-8 Parking and Vehicle Access**

***Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.***

The size and location of both vehicle entrances to the structure should not restrict pedestrian movement on either street or create a hole in the facade. The Board indicated that they were willing to entertain a design that reduces the width of the driveways, curb cuts and doors.

*The Board noted that the smaller vehicular driveway proposed off 36<sup>th</sup> Avenue South effectively reduced the visual impact of the parking garage on the existing pedestrian streetscape, no additional recommendation was made.*

**A-9 Location of Parking on Commercial Street Fronts**

***Parking on a commercial street front should be minimized and where possible should be located behind a building.***

Parking should be shielded from the street and enclosed within the proposed structure.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**A-10 Corner Lots**

***Buildings on corner lots should be oriented to the corner and public street fronts.***

***Parking and automobile access should be located away from corners.***

The Board feels that the current proposal is not oriented to the corner. They suggested rounding the corner of the structure to soften its relationship to the intersection by creating more sidewalk area at the corner and emphasize the building's presence at street level.

*Although the revision to the building corner created more of a presence at the intersection of 36<sup>th</sup> Avenue South and South Genesee Street the Board felt the design could go further. They recommended a wider window allowing greater transparency into the commercial space and enhancing the landscaping to draw attention to this area.*

**B. Height, Bulk and Scale**

**B-1 Height, Bulk and Scale Compatibility**

***Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.***

The structure should be designed in such away that its presence doesn't overwhelm the site and the surrounding single family development.

*The Board felt the setback provided along Genesee diminished the buildings presence along this street. The Board recommended exploring ways to shift the bulk toward the prominent street and suggested adding planters along the parapets to give the illusion of a rooftop open space and make a better transition in height bulk and scale to the single family zone to the east.*

**C. Architectural Elements and Materials**

**C-1 Architectural Context**

***New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.***

The façade treatments, lighting and colors chosen for the structure should reflect current positive development in the area.

*The Board felt the earth toned colors chosen for the proposed building were appropriate for the neighborhood and complimented the architectural character established at Rainer Avenue South and South Genesee Street. However the Board recommended exploring ways to enhance the distinction between the first and second stories of the structure by varying the texture of the exterior materials.*

**C-2 Architectural Concept and Consistency**

***Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.***

The proposed design should avoid the creation of a flat facades and surfaces by using modulation, texture, color of materials and setbacks.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**C-4 Exterior Finish Materials**

***Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.***

The materials used for the exterior finish should be chosen for their longevity and durability.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**C-5 Structured Parking Entrances**

***The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.***

The garage entrances should be minimal in height and width so they don't overly dominate the street frontage.

*The Board did not offer any additional recommendation.*

**D. Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances**

***Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.***

The Board and the public felt the pedestrian entrances on both street should explore weather protection such as awnings that encourage detail and relief on the façade.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**D-2 Blank Walls**

***Buildings should avoid large blank wall facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.***

The Board feels that this design criterion is particularly important to the proposed buildings relationship to the apartment building to the south. Care should be taken when choosing colors and finishes for the walls.

*The Board felt the east façade of the proposed building was too large to remain bare. The Board suggested applying vertical treatments, art, or varying the exterior colors, as a way to break up the monotony of this façade.*

**D-5 Visual Impacts of Parking Structures**

***The visibility of all at garage parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.***

The board felt a departure to allow a smaller garage door would be acceptable way to lessen the impact of the parking entrance along 36<sup>th</sup> Ave S.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**D-6 Screening of Dumpsters, Utilities and Service Areas**

***Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters can no be located away from the street front, they would be situated and screened from view and should not be located in the pedestrian right-of-way.***

Locating the dumpsters within the structure would be an appropriate means of addressing this criteria.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

**D-7 Personal Safety and Security**

***Project design should consider opportunities for enhancing personal safety and security in the environment under review.***

The chosen design should address the need for well-lit pedestrian paths from both the parking area and the street. Exterior lighting at the pedestrian entrance to second story office should be considered.

*The Board felt the exterior light proposed was effective in creating a safe pedestrian environment.*

### ***E. Landscaping***

#### **E-2 Landscaping to Enhance the Building and/or Site**

***Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.***

Landscaping should be carefully considered in the design concept for the structure and its open terrace on the second level. Some landscaping on the terrace should be visible from the surrounding streets.

*The Board noted that the previous guidance is still applicable to the project and did not offer any additional recommendation.*

### **Design Review Departure Analysis**

The applicants requested one departure from the development standards set forth in the Land Use Code. The departure is as follows:

<b>Development Standard</b>	<b>Proposed</b>	<b>Applicant Justification</b>	<b>Board Recommendation</b>
Minimum allowed driveway width in commercial zones is 22'.	16' wide driveway	The smaller driveway minimized the impact of vehicular entrance on the streetscape.	Approve

The Board voted unanimously in favor of the departure.

### **Board's Recommendation**

The siting, architectural details and design elements presented in the October 28, 2003 recommendation meeting are expected to remain unaltered. After careful consideration of public comment, review of Early Design Guidance priorities and reviewing the plans presented the Design Review Board members recommended APPROVAL of the project design the requested departure with the following conditions:

1. The window at the northwest corner of the building should be expanded to enhance both the transparency in to the commercial space and the structure's presence at the intersection. **Guideline A-10**
2. Use planters along the northern edge of the building to shift the appearance of bulk towards South Genesee Street. **Guideline B-1**
3. The east façade of the building should use either vertical treatments, art, or vary the color of the exterior materials to break up the mass of this façade.  
**Guidelines C-1 & D-1**

### **DIRECTOR ANALYSIS & DECISION : DESIGN REVIEW**

#### **Director's Analysis**

The director is bound by the five board members of the Board recommending approval of the design and requested design departure, except in certain cases, in accordance with Section 23.41.014.F3. These exceptions are limited to inconsistent application of the guidelines, overstepping of the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws. The Director finds no conflicts with SEPA requirements of state or federal laws,

and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by and conditions where there was consensus by the Board and agrees with conditions recommended by the Board members.

### Design Review

The Director accepts the Board's recommendations. A review of the recommendation of the Design Review Board members present at the recommendation meeting finds their guidance to be consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The director therefore approves the proposed design.

### ANALYSIS SEPA

Environmental review resulting in a threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11 and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 21, 2002. The information in the checklist and the experience of DPD with review of similar projects forms the basis for this analysis and decision.

A portion of the project site is classified as an environmental sensitive area containing steep slopes (SMC 25.09.180). The applicants requested and were granted an environmentally critical areas exemption (ECA exemption) under DPD project number 23023498. The ECA exemption review found the standards of SMC 25.09.180 were not required for this project review.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short - Term Construction Related Impacts

The following temporary or construction related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; and increased noise.



Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance regulates development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinance will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

### Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant life; and increased light and glare. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impact and no further conditioning is warranted by SEPA policies. Due to the type size and location of the proposed project additional analysis of height bulk and scale is warranted.

### Height Bulk & Scale

The applicants are proposing a two-story commercial building at the intersection of South Genesee Street and 36<sup>th</sup> Avenue south which will all have a finished height of approximately 38'. Current development surrounding the project site is a mixture of residential and commercial uses. The proposed building will have exterior colors and materials reminiscent of existing commercial structures in the area. The onsite landscaping will be placed along South Genesee street and around the commercial entrances that front on 36<sup>th</sup> avenue south to create an aesthetically pleasant environment which relates the development down to a human scale.

The SEPA Height Bulk & Scale Policy of section 23.05.675G states the following *"The height bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the Land Use element of Seattle Comprehensive Plan regarding the system of Land Use Regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* The Board was aware of the height bulk and scale relationship in their

review and recommendations, noting the presence of features which are used to lessen the appearance of bulk and scale. Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board recommended approval of the proposed design with conditions, no additional mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS – DESIGN REVIEW**

#### **Non-appealable Conditions:**

#### **Prior to issuing the Master Use Permit**

1. Update the Plans to include all of the Design Review and SEPA conditions on a sheet in the plan sets preferably on an updated Cover Sheet.
2. Any proposed changes to the exterior of the building or the site or must be submitted to DCLU for review and approval by the Land Use Planner (Glenda Warmoth, 684-0966). Any proposed changes to the improvements in the public right-of-way must be submitted to DCLU and SDOT for review and for final approval by SDOT.
3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DCLU planner assigned to this project (Glenda Warmoth, 684-0966), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
4. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

5. Update the plans to show a 5' wide sight triangle to the north of the proposed vehicular driveway.

Prior to issuing the Construction Permit

6. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Glenda Warmoth (206-684-0966) or by the Design Review Manager for the project at the specified development stage, as required by the Director's decision. The applicant/responsible party for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the land Use Planner.**

**CONDITIONS - SEPA**

Appealable Conditions:

NONE.

Signature: (signature on file) Date: December 25, 2003  
Glenda Warmoth, Land Use Planner  
Department of Planning and Development  
Land Use Services